

### **REMARKS**

This paper is in response to the Office Action mailed on October 15, 2004.

Claim 86 is amended; as a result, claims 1-23, 85, 86 are now pending in this application.

#### **Claim Objection**

Claim 86 was objected to due to informalities. Applicant has amended claim 86 as suggested by the Examiner to read, "wherein the number of small compositional ranges includes aluminum oxide and is adapted to form gradients in an electrical field." Further, claim 86 has been amended to correct grammatical errors. These amendments are believed to be non-narrowing and are not made in response to any substantive rejection under the Patent Act. Applicant respectfully requests that the objection be withdrawn.

#### **Double Patenting Rejection**

Claims 1-23, 85, and 86 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-23 of Application Serial No. 09/943,134. A Terminal Disclaimer is enclosed herewith to overcome the rejections. Applicant does not admit that the claims are obvious in view of Patent Application No. 09/943,134. Applicant respectfully requests reconsideration and allowance of claims 1-23, 85, and 86.

Claims 1-23, 85, and 86 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-22 of Application Serial No. 10/028,001. A Terminal Disclaimer is enclosed herewith to overcome the rejections. Applicant does not admit that the claims are obvious in view of Patent Application No. 10/028,001. Applicant respectfully requests reconsideration and allowance of claims 1-23, 85, and 86.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date

14 Jan '05

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 14 day of January, 2005.

Name

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Signature

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